



January 21, 2010

Mr. Paul Stacey
Bureau of Water Protection & Land Reuse
State Department of Environmental Protection
79 Elm Street
Hartford, CT 06106

Re: Proposed Stream Flow Regulations

Dear Mr. Stacey:

As the first selectman of the Town of Portland, I am concerned about the proposed stream flow regulations which will impose significant costs on municipal water departments to modify structures and distribution systems to release more water into rivers and streams. The proposed regulations also impose strict limits on groundwater withdrawals.

There is also a lot of uncertainty regarding how the regulations will impact various communities and how much it will cost to comply with the requirements because the release requirements and withdrawal limits are based on which basin classification a system falls into and this classification has not yet been done by DEP.

DEP has advised that municipal water departments should assume that they will be a Class 3 basin. Under this classification, towns that are served by municipal water departments may be faced with significant costs to modify dams to make the required reservoir releases as well as costs to develop new sources of supply to make up for the water that is released into the streams or that will not be able to be pumped. If the basin is classified as Class 2 or Class 1, these costs will increase significantly.

As a result, residents and businesses in our communities will see sizable rate increases — solely to put more water into the streams. Because we are under pressure from residents to keep rate increases low, we will have to forgo making other investments in infrastructure, such as replacing aging pipes and enhancing treatment facilities, which benefit the quality and distribution of drinking water.

Unfunded state mandates such as this put an unfair fiscal burden on towns. Municipalities are experiencing enormous financial difficulties and can only rely on property taxes to pay for essential services. Given current limited levels of state aid, towns cannot afford any new unfunded mandates.

In addition to costs, the regulations raise questions about whether communities will have enough water to meet the needs of residents and businesses. Some communities may

face severe water supply deficits. Communities will also have to impose water use restrictions on residents on a more frequent basis that may be disruptive.

Although we support efforts to protect the state's aquatic life, we are concerned that the regulations, as currently drafted, do not adequately reflect the more critical need of ensuring that there are sufficient water supplies to meet the public health, safety and economic development needs of our community.

We therefore urge opposition to the regulations and suggest that the state get a better handle on how we can ensure that there will be sufficient water supplies for our residents and businesses.

Thank you for the opportunity to comment.

Susan Bransfield
First Selectman
Town of Portland